

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2015-125712-001 DT

11/01/2017

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT

M. Mogel

Deputy

STATE OF ARIZONA

RICHARD E SERDEN

STANLEY J MARKS

v.

JEOPREY MUTINDA KAVU (001)

DIEGO RODRIGUEZ

MICHAEL S REEVES

PRETRIAL SERVICES AGENCY-CCC

TRIAL MINUTE ENTRY  
DAY ONE

Courtroom SCT 7D

State's Attorney: Richard Serden

Defendant's Attorney: Diego Rodriguez and Michael Reeves

Defendant: Present

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

10:26 a.m. This is the time set for trial to jury.

The jury panel is not present.

Discussion is held regarding procedural matters, re-numbering counts for jury purposes, and preliminary jury instructions.

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10:32 a.m. Court stands in recess.

10:39 a.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

The jury panel is now present.

The prospective jurors are sworn and voir dire examination commences.

Counsel approach the bench and discuss matters, on the record, out of hearing of prospective jurors.

Prospective Jurors 2, 5, 6, 7, 8, 9, 14, 15, 16, 27, 28, 29, 33, 34, 35, 36, 40, 44, 49, 52, 53, 55, 56, 57, 58, and 60 are excused.

Counsel approach the bench and discuss matters, on the record, out of hearing of prospective jurors.

The court informs juror 7 that his/her number was called in error, and is not excused from the panel at this time.

The court further addresses the jury panel regarding ordering a second panel.

Voir dire examination of the prospective jurors continues.

Counsel approach the bench and discuss matters, on the record, out of hearing of prospective jurors.

Prospective jurors 38, 42, 51 and 54 are excused.

11:30 a.m. The jury panel is given admonition and instructed to return on 11/02/2017 at 1:30 p.m. Court remains in session.

Juror 7 enters the courtroom and individual voir dire is conducted.

Juror 7 is excused from the courtroom.

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Juror 18 enters the courtroom and individual voir dire is conducted.

Juror 18 is excused from the courtroom.

Juror 41 enters the courtroom and individual voir dire is conducted.

Juror 41 is excused from further jury service in this cause.

Discussion is held regarding motions in limine, exhibits, and scheduling.

11:41 a.m. Court stands at recess.

2:00 p.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

The jury panel is not present.

Discussion is held regarding preliminary jury instructions and Stipulation Re: Indictment for Jury Presentation.

Good cause appearing,

IT IS ORDERED granting the Stipulation Re: Indictment for Jury Presentation.

ALL OF THE PARTIES stipulate that for the purposes of a trial to a jury, the Jury presentation Indictment will be read by the Clerk to the Jury in place of the originally filed Indictment. The Jury presentation Indictment substitutes the words "Count 2" for the words "Count 3 of the original Indictment, the words "Count 3" for the words "Count 4". This same count designation will be used for all Forms of Verdict presented to the jury. All post-trial events, including sentencing, will revert to the count designation of the originally filed Indictment's count sequence.

All in accordance with the formal written Order signed by the court on 11/01/2017 and filed with the Clerk of Court on 11/01/2017.

FILED: Stipulation, Order, and Jury Presentation Information/Indictment

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The State makes an oral Motion in Limine to Preclude Testimony of Scars.

Arguments presented.

THE COURT FINDS that the motion is premature and defers ruling on the State's Motion to Preclude Testimony of Scars at this time.

The State makes an oral Motion in Limine to Preclude or Limit Defense Expert's Testimony Regarding Blood Alcohol.

Arguments presented.

For the reasons stated on the record,

IT IS ORDERED denying the Motion to Preclude Testimony Regarding Blood Alcohol.

The State makes an oral Motion in Limine to Limit the Defendant's Life Story.

Arguments presented.

IT IS ORDERED testimony of the defendant's life story shall be allowed, within reason.

Defendant makes an oral Motion in Limine to Preclude Evidence of Marijuana.

The State having no objection,

IT IS ORDERED granting the Motion Preclude Evidence of Marijuana.

Defendant makes an oral Motion to Preclude Evidence of the Victim's Pregnancy.

The State having no objection,

IT IS ORDERED granting the Motion to Preclude Evidence of the Victim's Pregnancy.

The State avowals to make every reasonable effort to inform witnesses of this ruling, prior to presentation of testimony.

Defendant makes an oral Motion to Preclude Misdemeanor Warrant.

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The State having no objection,

IT IS ORDERED granting the Motion to Preclude Misdemeanor Warrant.

Further discussion is held regarding exhibits.

2:23 p.m. Court stands in recess.

2:27 p.m. Court reconvenes with respective counsel and defendant present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

The jury panel is not present.

The State makes an oral Motion to Admit Photographs.

Arguments presented.

For the reasons stated on the record,

IT IS ORDERED the photographs may be admissible.

Further discussion is held regarding impeachability of witness.

2:38 p.m. Court stands in recess to reconvene on 11/02/2017 at 10:30 a.m. in this division.